



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

MINUTES
STATE WATER CONTROL BOARD
January 6, 2003 - General Assembly Building
9th and Broad Streets
Richmond, Virginia

Board Members Present:

Hunter E. Craig, Chairman

H. Preston Futrell, Jr.

Katherine E. Slaughter

Leroy O. Pfeiffer, Jr. (left at 3:25 p.m.)

Gary H. Baise, Vice-Chairman

Carol C. Wampler

Karl F. Wenger (left at 3:15 p.m.)

Staff Present:

Robert G. Burnley, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Rick Linker, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 9:40 a.m. on Monday, January 6, 2003, recessed at 11:17 a.m., reconvened at 11:42 a.m., recessed for lunch at 1:35 p.m. and reconvened at 2:22 p.m. and adjourned at 3:55 p.m.

Approved Minute # 1
March 25, 2003



COMMONWEALTH of VIRGINIA

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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

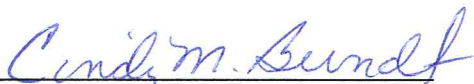
Robert G. Burnley
Director

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 1 - Minutes

The Board approved the Minutes from the July 8-9, 2002 and October 3, 2002 meetings.


Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF DECEMBER 11, 2002 HELD ON JANUARY 6, 2003

MINUTE NO. 2 - Permit Terminations

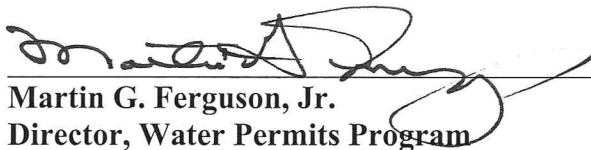
Martin G. Ferguson, Jr., Director of the Water Permits Program of the Department of Environmental Quality's Central Office introduced the staff recommendation concerning the termination of one VPDES permits and one Groundwater permit.

Board Decision

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to approve the terminations of permits for:

Huntingwood Apartments STP
Royster-Clark, Inc.

VPDES permit no. VA0060992
GW permit no. GW0034500



Martin G. Ferguson, Jr.
Director, Water Permits Program



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 3, 2003

MINUTE NO. 3 – Report on Facilities in Significant Noncompliance

Kathleen O'Connell, Water Enforcement Coordination Manager presented to the Board the Report on Facilities in Significant Noncompliance for the quarter ending September 2002. The facilities and their reported instances of noncompliance were:

1. City of Alexandria, Alexandria STP - Failure to meet effluent limits
2. U.S. Marine Corps, Mainside WWTP – Failure to meet effluent limit
3. Omega Protein, Inc., Omega WWTP – Failure to meet effluent limits
4. Perdue Farms, Inc., Perdue WWTP – Failure to meet effluent limit
5. SIL Cleanwater, LLC, North Fork Modular WWTP – Failure to meet consent order requirements

The Board accepted the report. In addition Ms. O'Connell provided the Board, for its information, a brief written summary of SNC Criteria.

A handwritten signature in cursive script, reading "Kathleen F. O'Connell".

Kathleen F. O'Connell
Water Enforcement Coordination Manager



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley
Director

Steven A. Dietrich
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 4 - West Central Regional Office Consent Special Orders

Robert Steele of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Orders for Radford Army Ammunition Plant & Alliant Ammunition and Powder Company, LLC, Bedford County Public School - New London Academy, Bedford County Public School - Liberty High School, and Boonsboro County Club.

Board Decision

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for:

Radford Army Ammunition Plant & Alliant Ammunition and Powder Company, LLC
Bedford County Public School - New London Academy
Bedford County Public School - Liberty High School
Boonsboro County Club
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.

A handwritten signature in dark ink, reading "Steven A. Dietrich", is written over a horizontal line.

Steven A. Dietrich, P.E.
Regional Director
West Central Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley
Director

Thomas L. Henderson
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 5 - South Central Regional Office Consent Special Order

Thomas L. Henderson of the Department of Environmental Quality, South Central Regional Office, introduced the staff recommendation concerning the proposed Consent Special Order for the Pittsylvania County School Board.

Board Decision

Based on the staff recommendations, the Board voted 6 aye and 1 nay to:

1. Approve the Consent Special Order for:

the Pittsylvania County School Board
2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.


Thomas L. Henderson
Regional Director
South Central Regional Office



COMMONWEALTH of VIRGINIA

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Robert G. Burnley
Director

Gregory L. Clayton
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 6 - Consent Special Order

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented one proposed Consent Special Order for the Board's consideration.

Ms. Elizabeth Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Order. Following the presentation, Ms. Crosier made the staff recommendations regarding the proposed Order.

The proposed Order regarding the Gunston Elementary School Sewage Treatment Plant ("STP") requires that Fairfax County upgrade the STP to achieve compliance with final Permit effluent limits for ammonia by March 1, 2003, and provides interim effluent limits for ammonia, biological oxygen demand, total suspended solids, and dissolved oxygen until that date.

Decision

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed Consent Special Order regarding the Gunston Elementary School STP,
2. Authorize the Director or his designee to sign the Order on the Board's behalf;
and

3. Authorize the Director or his designee to refer violations of the Order to the Office of the Attorney General for appropriate legal action.

A handwritten signature in blue ink, consisting of several loops and a final flourish, positioned above a horizontal line.

Northern Virginia Regional Office



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Robert G. Burnley
Director

Gregory L. Clayton
Regional Director


Excerpt from the Proceeding of the State Water Control Board At its Meeting on January 6, 2003

Minute No. 7 - Issuance of VPDES Permit VA0026514, Dahlgren STP - King George County

This agenda item involves the reissuance of the permit for the Dahlgren STP, owned and operated by the King George County Service Authority. Staff from the Northern Regional Office summarized the comments received from the public during the public comment period and public hearing, provided responses to each comment, and made recommendation to the Board. Staff recommended that the Board issue the permit as it was originally drafted and advertised.

Board Decision

The Board unanimously voted in favor of staff's recommendation.


for Regional Director
Northern Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

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Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON JANUARY 6, 2003

MINUTE NO. 8 - Consent Special Orders with Penalty Settlements

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlements for Shannon, Inc. d/b/a Al's Market, Richmond International Raceway, Virginia State Golf Association, Inc., Mr. Charles Ayers d/b/a Cloverhill Estates, L.L.C., and Henrico County Water Reclamation Facility.

Shannon, Inc. does business as Al's Market. On May 20, 1999, a petroleum release was reported which resulted in the need to remediate the site. The facility has 3 underground storage tanks (USTs) at the site. The regulations require the facility to conduct release detection for the tanks and the product piping. This release detection was not done for the piping, but was done for the USTs, however the data was not provided to the Department. The facility additionally failed to provide financial assurance records for the release detection. The facility was also late providing the Addendum to the site Characterization Report, initiating free product removal, and providing the Corrective Action Plan. The facility has started remediation of the site. The groundwater monitoring wells have been installed and part of the missing data has been provided to the Department. The Order requires the facility to provide leak detection test data for the USTs, provide financial assurance for the leak detection, and to provide a Corrective Action Plan (CAP). The Order also requires a \$900 civil charge.

Richmond International Raceway was issued a VWP Permit to construct a parking lot expansion in January 2001. The permit allowed for impacts to 0.17 acres of forested wetlands and 0.34 acres of state waters. The permit also required 6.7 acres of wetlands to be preserved on site and the purchase of an additional 0.51 credits at a wetland mitigation bank. In March 2002, DEQ staff contacted the consultants to check on the status of the project and found that the work had already been completed. It was discovered that a number of permit violations had been committed, including: 1) failure to provide documentation that the required mitigation credits had been purchased; 2) failure to provide documentation that the preservation had been confirmed by the U.S. Army Corps of Engineers as wetlands; 3) failure to provide proof of recordation of the preservation instrument in the chain of title to the property; 4) failure to provide final plans and specifications for the activities authorized by the

permit; and, 5) failure to provide notification prior to start of construction. All of the requirements have now been completed. The Order also contains a \$3,500 civil charge.

The Virginia State Golf Association was issued a permit to construct a 627 acre residential golf course community in Powhatan and Chesterfield Counties. A site inspection in March 2002 identified several areas of non-compliance – exceeding the authorized impacts to State waters by approximately 300 linear feet and failing to flag non-impacted wetlands within 50 feet of clearing and grading activities. A Notice of Violation was issued in May 2002 citing these violations. A second inspection conducted on November 20, 2002 identified additional violations resulting in another Notice of Violation issued on December 16, 2002. The December Notice of Violation cited impacts to an additional 450 linear feet of stream, 0.2 acres of forested wetlands impacts, and failure to flag non-impacted wetlands within 50 ft. of clearing and grading activities. The Order requires the recordation of protective buffers, submission of a stream restoration plan, schedule of completion for stream restoration, submission of a request for a permit modification, requirement to clearly flag non-impacted wetlands, and the payment of a \$24,500.00 civil charge.

Mr. Charles Ayers was issued a VWP permit to construct a 72 acre phased residential subdivision know as Cloverhill Estates in Chesterfield County. The permit authorized the fill of 2.035 acres of wetlands and impacts to no more than 1,326 linear feet of streambed. In partial mitigation, the permittee was to preserve 2.5 acres of wetlands on site. A site visit in October 2001, revealed an additional 1000 linear feet of streambed had been impacted. In addition the permittee failed to provide proof of recordation of written protection for the 2.5. acres of preserved wetlands prior to impacting state waters as the permit requires. The order requires that the permittee restore the unauthorized impacts to state waters, submit the required monitoring reports for the streambed restoration activities, provide proof of recordation of the 2.5 acres of protected wetlands, and submit a permit modification request for the additional impacts. The order also contains a \$11,000 civil charge.

Henrico County owns and operates a wastewater treatment facility in Varina, Virginia. This facility is the subject of VPDES Permit No. VA0063690, which allows Henrico County to discharge treated wastewater into the James River. The proposed Order addresses twenty five sanitary sewer overflows and twenty one permit effluent violations at Henrico County water reclamation facility. To address the sanitary sewer overflows, the proposed Order requires the submittal of a formal operation and maintenance manual for the sewer collection system and a five year schedule for the completion of previously identified inflow and infiltration (I&I) projects. To address effluent violations, the Order requires the County to develop and implement a detailed written interim startup program for optimizing operational efficiency of new and existing treatment units during construction of the current upgrade. In addition, the County will develop a preventative action plan to assist treatment plant operators in the diagnosis and treatment of influent constituents that may cause toxicity or inhibition to the sludge biomass. The Order also includes payment of a \$25,500 civil charge.

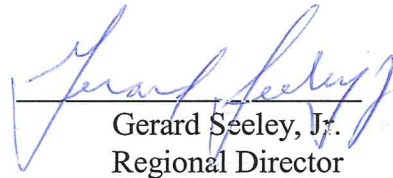
Board Decision

At the completion of the staff presentation, Mr. Wenger made a motion to pull the Henrico County Order. The remaining Board members voted against the motion. Based on the staff presentation and recommendations, the Board; with the exception of Mr. Wegner voting nay, voted to:

1. Approve the Consent Special Orders for :

Shannon, Inc. d/b/a Al's Market
Richmond International Raceway
Virginia State Golf Association, Inc.
Mr. Charles Ayers d/b/a Cloverhill Estates, L.L.C.
Henrico County Water Reclamation Facility

2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.
Regional Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley
Director

Francis L. Daniel
Tidewater Regional Director
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON January 6, 2003

MINUTE NO. 9 – TRO Consent Special Orders

**Wrecking Corporation of America, St.Louis, Inc.
Hampton University
Titan Virginia Ready-Mix, LLC – Port Norfolk
Burke, LLC**

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning four Consent Special Orders with civil charges.

Wrecking Corporation of America, St. Louis, Inc.

On October 31, 2001, DEQ staff investigated a complaint at the Yorktown Naval Weapons Station that oil from three electrical transformers was dumped into a hole during the demolition of a building. Wrecking Corporation was the subcontractor for the demolition. The Navy excavated the area and found that oil was present in the hole. The Navy took samples of residual oil from the transformers which had been dumped in nearby woods. They also took samples of the oil dumped into the hole. The laboratory analyses indicated that they were from the same source. The total amount of oil dumped into the hole was approximately 31 gallons. The Navy excavated and disposed of the oil-contaminated soil. DEQ has signed off on the clean-up of the site. The oil was analyzed and does not contain PCBs. We have no evidence of surface or groundwater contamination.

The Order requires Wrecking Corporation of America, St. Louis, Inc. to pay a civil charge of \$2,329 and investigative costs of \$157. No comments were received during the public comment period.

The Board expressed concerns that the penalty amount was not high enough. Questions were asked about whether the penalty factors were mandated by guidance, regulation or

statute. The staff explained that in the case of oil releases the penalty factors are set by statute.

Hampton University

Hampton University owns and operates a horse stable adjacent to John's Creek located in Hampton, VA. DEQ Compliance staff (Staff) inspected the site on March 7, 2002 and found two piles of horse manure mixed with straw and other material on the bank of the creek. Next to one pile of horse manure was a PVC pipe, which was traced back to the horse stable. The stable manager stated the stable is washed every day and the wash water drains through the pipe into the creek.

Hampton University capped the pipe and moved the two manure piles across the street away from the creek. The horse stables were connected to the City of Hampton sewer system. No comments were received during the public comment period. The Order requires Hampton University to pay a civil charge of \$2,000.

Titan Virginia Ready-Mix, LLC – Port Norfolk

Titan Virginia Ready-Mix, LLC – Port Norfolk owns and operates a concrete ready-mix plant located in Portsmouth, VA. Staff inspected this facility on May 9 and May 11, 2001, and observed a mud pump and hose at the sedimentation pits. Apparently, the pits reached capacity and the untreated wastewater was discharged onto the ground. The facility failed to submit sampling results for August and September 2001 and February 2002. pH levels, as monitored by DEQ, during the September and February inspections exceeded the permit limits. In addition, during the September inspection, Staff noted operational deficiencies, and observed a drop inlet that is not listed on their permit.

The Board had concerns regarding the neutralization of wastewater produced in concrete ready-mix facilities and the quality of the wastewater discharged at Titan Virginia Ready-Mix, LLC – Port Norfolk. Staff explained that the quality of the wastewater discharged was alkaline (pH 11.0 – 12.0) and to treat this wastewater prior to discharging, hydrochloric acid should be added to neutralize the alkalinity of the wastewater.

No comments were received during the public comment period. The Order requires Titan Virginia Ready-Mix, LLC – Port Norfolk to pay a civil charge of \$2,200. In addition, the order acknowledges extensive construction activity at this site being conducted by the Virginia Department of transportation

Burke, LLC

Burke, L.L.C. is developing a single family dwelling with attached lake, which encompasses approximately 32 acres in size. The order addresses the construction of the single family dwelling with attached lake, which started prior to the submission of the registration statement for a VPDES storm water general permit. This order addresses the conversion of burrow pits into a lake, with attached single family dwelling, prior to the submission of a registration statement for a VPDES storm water general permit.


Construction was ongoing in March 2001 when we inspected the site; the registration statement was received in April 2001.

No comments were received during the public comment period. The Order requires Burke, LLC to pay a civil charge of \$800.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Orders for Wrecking Corporation of America, St. Louis, Inc., Hampton University, Titan Virginia Ready-Mix, LLC – Port Norfolk, and Burke, LLC;
2. Authorize the Director or his designee to sign the orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of the order to the Attorney General's Office for appropriate legal action.

A handwritten signature in cursive script, reading "Francis L. Daniel".

Francis L. Daniel
Director, Tidewater Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON January 6, 2003

MINUTE NO. 10 – TRO Consent Special Order Baymark Construction

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning a Consent Special Order for the Baymark Construction Corporation.

Baymark Construction Corporation

On August 22, 2000 DEQ issued Virginia Water Protection Permit #93-0149 to Baymark Construction Corporation for a dredging project associated with the construction of the Kings Creek Marina. Part I.F.1 of the Permit requires that DEQ be notified in writing 10 days in advance of the start of the dredging and 10 days after completion of the work. Part I.F.3 of the Permit specifies that the maximum depth of the dredging is -8.0 feet mean low water. Part I.F.18 of the Permit requires that a post-dredge survey be submitted within 30 days of the completion of each dredging event.

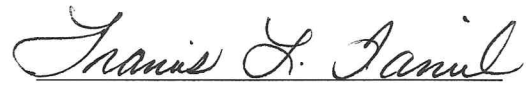
Baymark finished dredging sometime in December, 2001. DEQ was informed of the dredging completion upon receipt of the post dredge survey on April 17, 2002. The post-dredge survey indicates that the maximum dredging depth was exceeded in the majority of the basin by approximately 1 foot.

The proposed order will require the owner to comply with their permit and pay a civil of \$980.

The Board expressed concerns that the penalty amount was not high enough.

Board Decision

The Board voted 6 -1 to direct the staff to renegotiate the penalty in the proposed Consent Order for an amount between \$5,000 and \$10,000.

A handwritten signature in cursive script, reading "Francis L. Daniel". The signature is written in dark ink and is positioned above the printed name and title.

Francis L. Daniel

Director, Tidewater Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 11 - VRO - Consent Special Orders

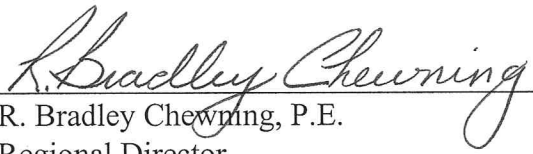
R. Bradley Chewing, Regional Director of the VRO, introduced Edward Liggett, VRO enforcement staff. Mr. Liggett presented and introduced the staff recommendations concerning a proposed Consent Special Order for the Town of Monterey, a Consent Special Order with a suspended civil charge for Bontex, Inc., a Consent Special Order with a civil charge and a Supplemental Environmental Project for the Town of Mt. Jackson and Consent Special Orders with civil charges for R.S. Glass, the Little Oil Company and Falls Grocery. At the request of the Board, Mr. Liggett did not make a full presentation but answered the Board's questions regarding VRO's Consent Special Orders.

Board Decision

Based on the staff's presentation of the Consent Special Orders and recommendation, the Board unanimously voted to:

1. approve the Consent Special Order for the Town of Monterey;
2. approve the Consent Special Order with a suspended civil charge for Bontex, Inc.;
3. approve the Consent Special Order with a civil charge and a Supplemental Environmental Project for the Town of Mt. Jackson;
4. approve the Consent Special Orders with civil charges for R.S. Glass, the Little Oil Company and Falls Grocery;
5. authorize the Director or his designee to sign the Orders on its behalf; and

6. authorize the Director or his designee to refer any violations of these Orders to the Attorney General's Office for appropriate legal action.



R. Bradley Chewing, P.E.
Regional Director
Valley Regional Office



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON JANUARY 6, 2003**

MINUTE NO. 12 – Brookside Family Dining

Jason R. Dameron (Environmental Engineer, DEQ-VRO) made the staff presentation regarding the proposed issuance of VPDES Permit No. VA0091057. The public hearing for this permit action was held on November 4, 2002.

Mr. Dameron referenced the Board book materials for detailed discussions of the comments that were received prior to preparation of the agenda item. No new legal or technical information was received prior to or as a result of the public hearing to cause any changes to the draft permit.

Following his presentation, 3 permittee representatives provided comments supporting the issuance of the permit. Comments in opposition to permit issuance were then presented by 11 individuals, mostly reiterating information already in the file record.

Following the receipt of comments, several speakers including Brad Chewning, Keith Fowler, and Jason Dameron (DEQ, Valley Regional Office) assisted in answering questions from the Board.

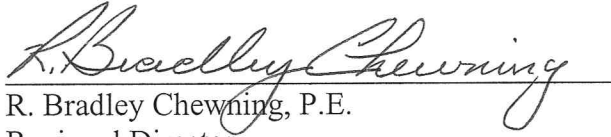
Upon request from the Board, Mr. Dameron provided the staff recommendation that the Board authorize the issuance of VPDES Permit No. VA0091057 for Brookside Family Dining.

Board Decision

By a vote of five to one (Slaughter dissenting), the Board voted to:

1. amend the permit to include a requirement that Bathco Services, LLC connect to public sewer within 12 months of it becoming available within 100 feet of the property, and
2. authorize the issuance of VPDES Permit No. VA0091057, as amended.

In addition, the Board requested that staff work with the Cowpasture River Preservation Association to initiate a Tier III designation for the Cowpasture River.


R. Bradley Chewing, P.E.
Regional Director
Valley Regional Office



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 13 – Cowpasture River Tier III

During Board discussion of citizen concerns about the potential impact on the Cowpasture River of a permit issued to Bathco Services LLC for the Brookside Family Dining wastewater discharge which can be found under Minute No. 12, the Board chairman suggested that staff explore the possibility of designating the river as an exceptional water.

Decision

The Board directed staff:

1. To work with the Cowpasture River Preservation Association to explore the eligibility and possible boundary descriptions for an exceptional waters nomination for the Cowpasture River and to report back to the Board at the next meeting on the feasibility of such a designation.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.

Director, Division of Water Program Coordination



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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 14 – Tier III Nominations

Alan Pollock, director of the Office of Water Quality Programs, provided the Board a summary of comments received from potentially impacted localities and riparian landowners and the general public regarding three citizen petitions for designation of Tier III, exceptional waters and a DEQ staff list of an additional seven candidate waters located on federal lands. He also provided the Board an update on the staff site visits made to these waters to determine whether the waters met the eligibility criteria. Jerianne Gardner and Pat Clark from the Isle of Wight Citizens Association urged the Board to initiate a rulemaking to designate Ragged Island Creek as an exceptional water, and John Harshbarger, President of the Little Meadows Land Company, spoke in support of the Little Stony Creek petition.

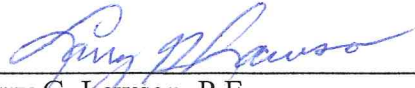
Decision

By unanimous vote the Board directed staff:

1. To initiate rulemakings to amend the Water Quality Standards regulation to designate as an Exceptional Water Lake Drummond and portions of Little Stony Creek, Bottom Creek, Ragged Island Creek, Brown Mountain Creek, Laurel Fork, North Fork of the Buffalo River, Pedlar River, Ramseys Draft, and Whitetop Laurel Creek and to include in the Notice of Intended Regulatory Action for Ragged Island Creek language that would solicit comment on the concerns raised by one riparian landowner as well as include language in the Notice of Intended Regulatory Action for Bottom Creek soliciting comment on whether the upper boundary of the creek as proposed in the initial petition received by the Board should be changed.
2. To work with EPA Region III and the U.S. Forest Service Roanoke Office staff during the Notice of Intended Regulatory Action stage of the rulemaking process to revise agency exceptional waters guidance to reflect the comments in the anticipated letter from EPA advising the US Forest Service that neither EPA nor VA DEQ plan to issue a VPDES permit for the silviculture management activity of gypsy moth treatment and to include in the Notice

of Intended Regulatory Action an explanation of the US Forest Service's renewed support of the designations based on the EPA letter.

3. To provide a written response to the petitioners for Ragged Island Creek, Bottom Creek and Little Stony Creek advising them of the Board's decision to initiate rulemakings to designate each of these as an Exceptional Water.



Larry G. Lawson, P.E.

Director, Division of Water Program Coordination



COMMONWEALTH of VIRGINIA

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EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 15 – 9 VAC 25-193-10 et seq. GENERAL VIRGINIA
POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT REGULATION FOR READY-MIXED CONCRETE
PLANTS

Lily Choi recommended that the Board authorize the staff to issue a public notice and hold a public hearing for the proposed regulation that was presented at the meeting.

Board Decision

The Board voted unanimously to authorize the staff to issue a public notice and hold a public hearing for the proposed General Virginia Pollutant Discharge Elimination System Permit Regulation for Ready-Mixed Concrete Plants.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.
Director

Division of Water Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON January 6, 2003

MINUTE NO. 16 - Water Quality Management Planning Regulation

Charles Martin, with the DEQ Office of Water Quality Programs presented the background on Board action at the May 6th, 2002, SWCB meeting. During this meeting, the Board approved by unanimous vote the staff recommendations for three proposed Water Quality Management Planning Actions. However, the Board suspended the effective date of the regulatory actions to seek additional public comment on the changes made to the regulation after it was proposed.

The three recommendations were:

- adopt the proposed Virginia Water Quality Management Planning regulation, but suspend the effective date to allow for an additional public comment period; and,
- repeal the existing eighteen Water Quality Management Plans as regulations, but retain them as the basin wide or area wide plans until they are updated, and suspend the effective date of the repeal to allow for an additional public comment period; and,
- direct staff to implement the Water Quality Management Planning Public Participation Guidelines document as an agency guidance manual and to notify the Board of any future changes or modifications to the document.

To seek public comment on staff changes to the final regulation, the Water Quality Management Planning Regulation was public noticed in the Virginia Register in September, 2002. A public meeting was held on September 19, 2002. Written comments received during the public comment period and staff responses to these comments were included in the Board Memorandum.

Changes to the Regulation

Based on staff review of the final regulation, the staff has added additional regulatory text and made some editorial changes to the regulation. A change sheet showing staff modifications to the final regulation was handed out to the Board members during the January 6th, 2003, SWCB meeting.

The change sheet contained 3 tables. The first box in each table showed the original text from the final regulation and the following box showed the revised text.

On the first page in "Table B1 - Stream Segment Classification – Roanoke River" there was a wording correction to properly describe the location of the Clover Creek segment. Also, Hyco River segment location description, omitted in final regulation, was added.

Table B2, beginning on the first page, contained editorial corrections. The names of the Brookneal and Drakes Branch WWTPs had been modified to reflect the current names. Also, the WLA for the Chase City Regional plant had been properly identified.

Table B3 contained changes to 2 facilities reflecting recent treatment upgrades approved by the Board. The first was the Town of Keysville's treatment plant. The Board approved a Consent Special Order on December 12th, 2001, directing the Town to upgrade the facility.

Also, shown in Table B3 were the changes to the regulation to reflect the upgrade to the Chase City treatment plant approved by the Board on June 12th, 2001.

SUMMARY OF ACTIONS

Based upon the information provided to the Board and the staff recommendation, the Board approved by unanimous vote:

- adopt the final revised Virginia Water Quality Management Planning regulation and
- repeal the existing Water Quality Management Plans as regulations, but retain them as the basin wide or area wide plans until they are updated.



Larry G. Lawson, P.E., Director
Division of Water Program Coordination



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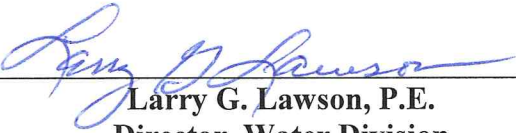
EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. - 17 9 VAC 25-71-10 et seq., Regulations Governing the Discharge of Sewage and Other Wastes from Boats

The staff presented a final regulation entitled "Regulations Governing the Discharge of Sewage and Other Wastes from Boats" and recommended that the Board adopt it and repeal 9 VAC 25-70-10 et seq., "Regulation 5" and 9 VAC 25-730-10 et seq., "Smith Mountain Lake No Discharge Zone".

Board Decision

The Board voted unanimously to adopt 9 VAC 25-71-10 et seq. and repeal 9 VAC 25-70-10 et seq. and 9 VAC 25-730-10 et seq.


Larry G. Lawson, P.E.
Director, Water Division



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 18 - 9 VAC 25-195-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Concentrated Aquatic Animal Production Facilities

The staff presented information on the use and compliance history for the Concentrated Aquatic Animal Production Facility General Permit, findings made during the permit reissuance review process and public comment period and recommended that the Board repeal this general permit regulation.

Board Decision

The Board voted unanimously to repeal the General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Concentrated Aquatic Animal Production Facilities, 9 VAC 25-195-10 *et seq.*



Larry G. Lawson, P.E.
Director, Water Division



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 19 - Amendments to Regulation 9 VAC 25-120-10 *et seq.*, General VPDES Permit Regulation for Discharges from Petroleum Contaminated Sites and Hydrostatic Tests.

The staff presented final amendments to regulation 9 VAC 25-120-10 *et seq.*, including correction of two typographical errors.

Staff recommended that the Board adopt the final regulation, including the editorial corrections presented at the Board meeting.

Board Decision

The Board voted to adopt regulation 9 VAC 25-120-10 *et seq.*, General VPDES Permit Regulation for Discharges from Petroleum Contaminated Sites and Hydrostatic Tests, as presented at the Board meeting.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.
Director, Division of Water Program Coordination



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MINUTE NO. 20 - Amendments to Regulation 9 VAC 25-196-10 *et seq.*, General VPDES Permit Regulation for Cooling Water Discharges.

The staff presented final amendments to regulation 9 VAC 25-196-10 *et seq.*

Staff recommended that the Board adopt the final regulation.

Board Decision

The Board voted to adopt regulation 9 VAC 25-196-10 *et seq.*, General VPDES Permit Regulation for Cooling Water Discharges.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.
Director, Division of Water Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

Minute No. 21 – Water Policy Update

Ms. Carol C. Wampler briefed the Board on the activities of the Water Policy Group. She advised the Board that the group had been established to provide input to guide the Commonwealth in the development of a Water Supply Planning Initiative to improve the Commonwealth's water resources planning activities to meet future water demands in an environmentally sound manner. Ms. Wampler advised the Board that the Technical Advisory Committee was charged with providing recommendations to: (1) improve state and local water supply planning and (2) improve the Commonwealth's water resource management programs.

She explained that the committee had reached agreement on several items. The committee agreed that the state should be in the lead for water policy and planning, but the role of localities must be recognized; that localities should develop plans according to criteria established by DEQ and that regional plans should be encouraged. In addition, the committee agreed that the current group should continue looking at these issues and develop further recommendations for DEQ.

Ms. Wampler provided the Board with a copy of the legislation that the committee had developed for considered by the 2003 General Assembly. She explained that the legislation would, among other things, direct DEQ to continue to work with the committee to develop draft criteria and guidelines for future local and regional water supply plans and prepare a preliminary state water resources plan by December 1, 2003.


Cindy M. Berndt



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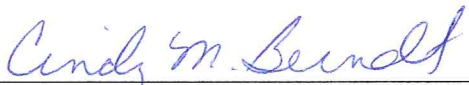
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Minute No. 22 – Public Forum

No one appeared during the public forum.



Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE 23 - FY 2003 VWRLF Loan Authorizations

Mr. Walter Gills, Project Supervisor of the Board's Construction Assistance Program, made a presentation to the Board based on a memorandum dated November 6, 2002. The memorandum identified the staff's suggested loan terms and recommended loan approvals for seventeen projects targeted for FY 2003 loan assistance.

Mr. Gills began his presentation by summarizing the actions taken by the Board, at its October 3, 2002 meeting, of targeting 17 localities for FY 2003 loan assistance and directing the staff to present the Board's tentative funding list for public comment. He relayed that all public comments received have been in support of the projects targeted by the Board for funding. He explained that he had met with all the potential FY 2003 loan recipients to verify the financial data used to evaluate local impact and the staff had completed its user charge impact analyses for the targeted recipients. He informed the Board that the Scott County PSA had requested a \$500,000 loan increase for a total loan amount of \$1 million, which the staff supported.

Mr. Gills explained that program policy called for a 1% reduction, below the municipal revenue bond market, for the program's ceiling rate projects. The program's FY 2003 "ceiling rate" was set at 3.75%. Projects fixed at the Funds' upper limit, which have not proceeded to loan closing by September 1, 2003, could be subject to reevaluation based on market conditions should the bond market experience a substantial rate increase.

Decision


Based on the briefing material, staff presentation, and the staff's recommendations, the Board voted unanimously to:

Authorize the execution of the following loan agreements for the projects targeted by the Board, at its meeting on October 3, 2002 at the rates and terms shown. Loan closing is subject to receipt of a favorable financial capability analysis report and supporting recommendation from VRA.

FY 2003 Proposed Interest Rates and Loan Authorizations

<u>Locality</u>	<u>Loan Amount</u>	<u>Rates and Loan Terms</u> <u>[all @ 20 years]</u>
1. Hampton Roads Sanitation District	\$33,000,000	CR
2. Shenandoah County	\$ 3,500,000	3%
3. City of Newport News	\$ 3,200,000	CR
4. Scott County PSA	\$ 1,000,000	0%
5. Greensville County WSA	\$ 244,300	CR
6. Town of Vinton	\$ 1,975,100	CR
7. Town of Pearisburg	\$ 704,000	CR
8. Augusta County SA	\$ 5,000,000	CR
9. Prince William County SA	\$12,472,593	CR
10. City of Norfolk	\$ 8,170,000	CR
11. Pulaski County SA	\$ 388,151	CR
12. City of Salem	\$ 5,600,000	CR
13. City of Lynchburg	\$ 1,500,000	0%
14. Tazewell County PSA	\$ 1,000,000	3%
15. City of Roanoke	\$17,511,501	CR
16. County of Roanoke	\$ 9,000,000	CR
17. Lee County	\$ 800,000	3%
 Total Request	 \$105,065,645	

CR = ceiling rate is 3.75%


Larry G. Lawson
Director, Division of Water
Program Coordination

/wag



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JANUARY 6, 2003

MINUTE NO. 24 - Future Meetings

The Board confirmed March 25, 2003 as the date of the next regular meeting. In addition, the Board tentatively set April 15, 2003 as the date of a future special meeting.


Cindy M. Berndt